IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.424 OF 2005
IN
NOTICE OF MOTION NO.371 OF 2005
IN
SUIT NO.247 OF 2005

Bombay Gas Co. Limited .. Appellant.

V/s.

Ashok Kumar Jalan & Others .. Respondents.

Ms.Snehal Shah i/b. Dhru & Co. for the appellant.

Mr.C.S. Balsara i/b. S. Dayal & Asso. for the respondents.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 7TH JUNE, 2005.

P.C. :

1. Heard.

2. At the outset Mr.C.S. Balsara, the learned counsel for the respondents - original defendants stated before us that until the notice of motion is heard and decided by the learned Motion Judge, the defendants undertake not to transfer, alienate or create any third party right or interest in the subject flat bearing No.4W on the fourth floor at Hari Bhavan, 64 Peddar Road, Mumbai 400 026 or any part thereof.

3. In our considered view the said statement takes care of the appellants grievance and no other order by way of ad-interim relief deserves to be passed.

4. We accept the statement made by Mr.C.S. Balsara as recorded above.

5. With the aforesaid observation, the appeal is dismissed.

6. Liberty to the appellant to move the learned Motion Judge for expeditious hearing of the notice of motion.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)